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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HASAN RASHEED MCAULE,

Defendant.

CASE NO. 2:20-CR-00111-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: December 9, 2020
TIME: 10 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this Court set this matter for an evidentiary hearing on defendant's motion to suppress on December 9, 2020.
2. By this stipulation, defendant and the government now move to continue the hearing until January 6, 2021 at 10:00 a.m., and to exclude time between December 9, 2020, and January 6, 2021 at 10:00 a.m., under 18 U.S.C. Section 3161(h)(1)(D) and (h)(2)(3)(A).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) Defendant filed a motion to suppress on October 28, 2020, and time has been excluded since that date by operation of 18 U.S.C. Section 3161(h)(1)(D).
 - b) The defendant was released from federal custody and transferred into state

1 custody, and the defendant and the government require additional time to determine whether he
2 will be released from state custody, or whether he can appear in Federal court while in state
3 custody.

4 c) The defendant requires additional time to consult with his attorney, review
5 discovery, investigate, and otherwise prepare for the evidentiary hearing on the motion to
6 suppress, as well as review possible additional charges and negotiate a possible resolution.

7 d) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of December 9, 2020 to January 6,
12 2021 at 10:00 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(D) and
13 (h)(2)(3)(A).

14 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
16 must commence.

17 IT IS SO STIPULATED.

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19 Dated: December 8, 2020

McGREGOR W. SCOTT
United States Attorney

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21 /s/ VINCENZA RABENN
VINCENZA RABENN
Assistant United States Attorney

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24 Dated: December 8, 2020

/s/ NOA OREN
NOA OREN
Counsel for Defendant
HASAN RASHEED MCAULE

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3 **FINDINGS AND ORDER**

4 IT IS SO FOUND AND ORDERED.

5 Dated: December 8, 2020



6 **WILLIAM B. SHUBB**

7 **UNITED STATES DISTRICT JUDGE**
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